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"ONE DOG TO KICK"

LAWRENCE W. DANFORTH

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PROFESSORS
DR. JANET BRESLIN-SMITH
CAPT ROB PRESLER, USN

ADVISOR
MR. TED LAVEN

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"ONE DOG TO KICK"

On December 2nd, 2002, President George W. Bush signed into law the 2003 National Defense Authorization Act. Amongst many other things, the bill authorized establishment of a fifth Under Secretary of Defense, the USD for Intelligence (USD(I)).¹ The creation of a single, senior Defense official who would focus on intelligence is not a new idea, but the effort to create the new USD(I) in 2003 reveals that a significant and potentially-controversial action can be relatively quickly accomplished when senior decision makers want it to happen, know how to work in and around "the system," and are willing to engage. The key players in the Office of the Secretary of Defense who led the effort learned valuable lessons from an initial "dry run" in the process, and creation of the new USD(I) succeeded through a focused effort on their second attempt.

Cast of Characters

The key players involved in creating the USD(I) included Defense Secretary Donald Rumsfeld and two senior members of his personal staff: Mr. Richard Haver, the Secretary's Special Assistant for Intelligence, and Mr. Steven Cambone, then the Secretary's Special Assistant.² Congress was clearly involved in the process, largely through the auspices of the Senate Armed Services Committee (SASC) and its Chairman, Senator Carl Levin (D-MI) and Ranking Member, Senator John Warner (R-VA). The House Armed Services Committee (HASC) and the House and Senate intelligence committees also played (albeit lesser) roles. Mr. John Stenbit, the Assistant Secretary of Defense for Command, Control, Communications & Intelligence (ASD(C3I)) had significant equities, as did the Director of Central Intelligence (DCI), Mr. George Tenet. Last – but by no means least – the Vice President, Richard Cheney, played an important behind-the-scenes role.

Not a New Idea

The idea of a separate official to coordinate and oversee Defense intelligence is by no means a recent development. Indeed, the Department of Defense (DoD) actually had an Assistant Secretary of Defense for Intelligence from 1971 to 1977, after which a reorganization created the position of Assistant Secretary for C3I.³ In November 1997, the Defense Reform Initiative (DRI) Report recommended [re-]creation of an Assistant Secretary of Defense for Intelligence. In response to the DRI report, the Deputy Secretary of Defense, in early 1998, appointed a team to develop a blueprint to separate and perform the functions that were assigned to the existing office of the ASD(C3I).⁴ Instead, the "blueprint" team recommended that "... the Secretariat for C3I ... be retained."⁵ That was about to change, though, with the coming of the new Bush administration and its new Secretary of Defense (SecDef), Donald Rumsfeld in early 2001.

Rumsfeld's Going-in Anxieties. Rumsfeld came to his job as SecDef in 2001 with certain strong notions and concerns about Defense intelligence, which were strengthened and refined early in his (second) tenure as SecDef. In the late 1990s, Rumsfeld had chaired a national commission examining the ballistic missile proliferation threat. Inter alia, that commission had recommended creation of a USD for space, information, and intelligence. Rumsfeld came away from the ballistic missile commission "...convinced that the intelligence community was woefully overestimating what it knew – and thus underestimating the scope of the threat."⁶

Then, during his confirmation hearing before the SASC on 11 January 2001, Rumsfeld testified that "strengthening our intelligence" would be one of his top five objectives at DoD.⁷ As if to leave no doubt about his deep concern, he stated at the hearing that he worried most about intelligence when he lay in bed at night.⁸ Rumsfeld's worries had been further fanned by

an Administration Transition Paper authored by Richard Haver, pointing out that the previous administration had under-funded national intelligence by tens of billions of dollars.⁹

Rumsfeld's Anxieties Confirmed. Events in early 2001 further convinced Rumsfeld that *something* had to be done soon about Defense intelligence. First, he was not pleased with the intelligence analysis that his department was receiving, primarily from the CIA.¹⁰ Additionally – and perhaps the single event that convinced Rumsfeld that a restructure of Defense intelligence was required – involved the crash landing of a U.S. EP-3 reconnaissance aircraft at a Chinese airbase in April 2001. When he asked for an assessment of the potential intelligence loss involved in the incident, no fewer than 11 officials from different military intelligence offices showed up to express their views. Afterward, Rumsfeld said that he "wanted one dog to kick" for Defense intelligence matters, but "[r]ight now I have a whole kennel."¹¹

The issue continued to vex the SecDef through the summer of 2001, while the new Defense team got its feet on the ground and grappled with a strategy for transforming the military. The envisioned military would be a heavy consumer of intelligence (for warning, precision strike, special operations, etc.), and intelligence would be moved from the sidelines to a central position in the strategy. Thus, it would have been premature to address reorganizing Defense intelligence prior to solidifying the overall Defense strategy.¹²

9/11: The Catalyst. Then, on September 11th, 2001, hijacked airliners were crashed into the World Trade Center towers, the Pentagon, and a field in Pennsylvania. In the aftermath of the terrorist attacks, a public debate soon raged over the alleged failures of U.S. intelligence to foresee and warn of the attacks. Did that debate help to resurface Rumsfeld's concerns about intelligence? Perhaps so; it clearly punctuated for Rumsfeld the need to improve intelligence so that it became proactive (vice reactive, as Rumsfeld believed was the case to support the Cold

War and its containment strategy).¹³ Thus, soon after 9/11, Rumsfeld invited Senators Carl Levin and John Warner of the SASC to lunch at the Pentagon, where Rumsfeld raised the issue of creating two new Under Secretaries: one for intelligence and one for homeland security. Levin was agreeable, and he urged the SecDef to "send it on over." So, on 26 November, Rumsfeld sent a letter to Senators Levin and Warner, specifically requesting that they include permission for the two new Defense under secretaries in the Fiscal Year (FY) 2002 Defense Authorization Bill.¹⁴

Rumsfeld's strategy to use the SASC as his Congressional entry point was carefully considered and focused on "where the power was." First, Rumsfeld was fairly confident that his proposal would get little opposition from the House. Rumsfeld (who had served in the House) calculated that a Republican House would not "screw with" a popular (especially in the wake of 9/11) Republican SecDef. Second, if the authority for the new USDs was granted, it would be the SASC that would confirm the new Defense officials. Thus, if Rumsfeld got Levin's support, he felt it was a "done deal".¹⁵

First, An Unsuccessful Attempt: Too Little Too Late

The USD(I) would not happen in Fiscal Year 2002, though – a fact that all of the principals knew from the outset. Although supportive of the USD concept, Levin had told Rumsfeld that there simply was no time left in the FY 2002 process. The Hill was already at end-game for the FY 2002 legislation. In fact, the HASC had already completed its action on the FY 2002 Defense Authorization Bill (which had already been significantly delayed well into the new fiscal year in the aftermath of 9/11). Although the SASC could insert an amendment into its version of the bill (thus forcing the issue to be considered in conference), there was little time for pre-coordination, and even less time for Congress to consider such a significant issue.

Additionally, the legislative calendar was already jam-packed with other heady issues such as passing the Patriot Act and supplemental appropriations for fighting the war on terrorism.

Nonetheless, Levin counseled the SecDef to "float" his proposal as a "trial balloon" to see what reaction it would draw.

The other flaw in this initial attempt was the total lack of proposed legislative language to accompany SecDef's 26 November letter requesting the two new USDs. If there had been time, the normal procedure would have been for the Defense Department's General Counsel to have included a "plug-in" section of language for inclusion in the authorization bill. Lacking that language, busy SASC staffers reportedly balked at crafting their own language at the 11th hour.¹⁶

It should be noted that several individuals believe that the timing of Rumsfeld's initial USD proposal in late 2001 was to some extent influenced by political considerations, especially to counter some of the rumored recommendations from the "Scowcroft Panel"¹⁷ that were appearing in the press in late 2001.¹⁸ In particular, the Scowcroft Panel would recommend that three intelligence agencies – NSA, NIMA, and NRO, whose combined annual budget was in the billions – be removed from Defense and placed directly under the DCI. While Rumsfeld certainly did not support such a realignment, it appears that his mind was already made up about Defense intelligence, and the USD(I) wheels were set in motion long before the Scowcroft Panel rumors surfaced.

Attempt #2: The Full-Court Press

Guidance and Staff Work. The initial failure did not deter Rumsfeld, and he pressed forward in early 2002. In January, he directed his staff, through Haver and Cambone, to draft a paper on combining the Defense intelligence staff. Rumsfeld's guidance included three points. First, he wanted an organization that would fully support his designated responsibilities for

Defense intelligence, as enumerated in U.S. Code Titles 10 (Defense organization) and 50 (national security and U.S. intelligence organization) and Executive Order 12333 ("U.S. Intelligence Activities"). Rumsfeld wanted to focus and solidify control of his several responsibilities under one individual. Second, Rumsfeld did *not* want to "re-write the law," either to change his own responsibilities for intelligence or to diminish the authorities of the DCI. The latter would be important to minimize the almost natural organizational and resource tension between Defense and the DCI, which has existed since both were created in the National Security Act of 1947. Due to the DCI's recognized responsibilities for U.S. intelligence (covered below), Rumsfeld needed the DCI's support for the USD(I). Finally, Rumsfeld wanted to minimize any harm done to Defense's professional intelligence work force.

The Defense Agencies. To support the initial staff work, Haver consulted with the directors of the four Defense intelligence agencies: DIA, NSA, NIMA, and NRO.¹⁹ Haver's observation was that the agency directors saw themselves as "flying solo," as they individually went to the Hill to defend their respective programs and budgets. This seemed a rather bittersweet situation, as all enjoyed the relative independence; however, they were uncomfortable with their "exposure." Haver further sensed that individually, the agency heads' program advocacy was not adequate, as it tended to be "stovepiped" (e.g., NSA for signals intelligence or NIMA for imagery intelligence). What the Defense Department needed was a unifying, senior advocate for all of Defense intelligence.

ASD or USD? The DoD staff work in early 2002 also surfaced at least two important issues for Rumsfeld's consideration. First, should the new intelligence official be an *assistant* secretary or an *under* secretary? Rumsfeld felt that an ASD would be too easy to ignore, but that under secretaries usually "carry the day." Second, and perhaps supporting the decision to seek a

USD, Rumsfeld wanted to assure that the new intelligence official be specified in the DoD ascension sequence.²⁰ This latter point also speaks volumes as to the central role planned for intelligence in Rumsfeld's vision for Defense, and he wanted a strong, highly visible advocate for intelligence.

The DCI. That left the DCI as the remaining principal to be convinced. As noted above, SecDef wanted to get the DCI's support for his USD(I) proposal. After all, the DCI was by law the "head of the United States intelligence community" and acted as "the principal advisor to the President for intelligence matters related to the national security."²¹ As fate would have it, a relationship between Rumsfeld and Tenet had been developing since the early days of the Bush administration. Rumsfeld had reached out to Tenet and was the first SecDef in years to meet on a regular basis with the DCI on intelligence matters of mutual interest. The significance of Rumsfeld's "outreach" likely was not lost on Tenet, who was the only senior national security hold-over from the outgoing Clinton administration – potentially a very lonely position. While somewhat constructive, the SecDef-DCI meetings further cemented Rumsfeld's belief that intelligence was not answering Defense's mail. In fact, when Rumsfeld carved roughly \$14 billion out of the DoD 2002 budget for Defense transformation efforts, a significant portion of that went towards strengthening Defense intelligence.²²

During the unsuccessful late-2001 effort to establish an USD(I), Tenet had been consulted, but "was not convinced" of the idea.²³ There was a perceived risk that consolidating and elevating *Defense* intelligence would come with concurrent lessening of *DCI* prerogatives. Therefore, in the summer of 2002, Haver drove to Langley and pitched the now fleshed-out USD(I) proposal to Tenet. The DCI found the concept hard to resist for several reasons. First, Rumsfeld had proven himself a forceful advocate for Defense intelligence, even finding

significant additional Defense intelligence funding in 2002, and Rumsfeld's strong advocacy could very well benefit all of U.S. intelligence. Second, with Rumsfeld's popularity soaring in the months following 9/11, any objection from Tenet likely would be futile. Finally, in a more practical sense, the DoD proposal would be an organizational change *internal* to Defense.²⁴ How could Tenet object to how the SecDef wanted to organize his own department? Tenet told Haver that "we need to figure how to make it happen."²⁵ The DCI, later that year, even expressed his support for establishing the USD(I) in a letter to the Armed Services Committees.

Convincing Congress. The early 2002 OSD staff work conducted by Cambone, Haver, and their staff, paid dividends later in the year, as it provided DoD seniors the background they required during briefing sessions with key members of Congress and their staffs. Having the early OSD staff work on organization and rough functions and relationships helped the OSD seniors convince Congressional stakeholders of the proposal's viability. Indeed, during the spring and early summer of 2002, Haver and Cambone made several trips to Capitol Hill to brief key staffers on the six committees that oversee intelligence. They visited the House and Senate Appropriations Committees (the Defense subcommittees thereof), the House and Senate intelligence committees, as well as the two Armed Services Committees.

Most of the congressional staffers' questions dealt with jurisdictional issues. The SecDef's going-in guidance that he did not want to "change the law" to alter his (or the DCI's) responsibilities for intelligence helped to alleviate most of these concerns. Additionally, the appropriators would suffer no change in their resourcing functions, and they rather liked the idea of consolidating responsibility for Defense intelligence programs in one strong individual, as something that would ease their job. Finally, all of the congressional staffers expressed surprise at the "terse, sparse, and direct" legislative language that DoD would be proposing to establish

the USD(I). However, it was explained to them that this was the way Rumsfeld preferred the Congressional guidance, allowing him organizational maneuvering room within his own department.

The Senate Select Committee on Intelligence (SSCI) and the House Permanent Select Committee on Intelligence (HPSCI), whose equities in Defense intelligence could not be ignored, also received some carefully-scripted executive treatment. In the summer of 2002, Rumsfeld invited the two committee chairs (Senator Bob Graham (D-FL) and Congressman Porter Goss (R-FL)) to the Pentagon. Waiting in the room with Rumsfeld when they arrived was the DCI, George Tenet. When the discussion got around to the proposal for a USD(I), Rumsfeld presented it as, "George and I want [a USD(I)]." DCI Tenet then voiced his "rousing support." Game over! How could the committee chairs object, if the DCI himself supported the idea?²⁶ Further, Goss saw that the proposal was not going to affect HPSCI's oversight of intelligence programs and (importantly) their associated funding. Graham wanted the SSCI to be consulted on the individual nominated to be USD(I), as part of the Senate confirmation process. That request was agreed to.

The ASD(C3I). Meanwhile, inside the DoD, the other senior official with a huge stake in the issue was the ASD(C3I). By all rights, Rumsfeld's "one dog to kick" should have been the ASD(C3I), who is charged as "the principal staff assistant and advisor to the Secretary ... for C3I, ... including ... intelligence and intelligence-related activities conducted by the Department of Defense."²⁷ However, the ASD(C3I)'s stewardship of Defense intelligence had waned in the latter 1990s. OSD oversight and coordination of Defense intelligence had diminished, and each of the military services had been allowed freer rein in administering their respective joint and tactical intelligence capabilities. Additionally, the large Defense intelligence agencies – DIA,

NSA, NIMA, and NRO – seemed to run themselves, and their budgets were overseen by the DCI and his staff. Finally, combination of "C3" and "I" functions in one ASD tended to dilute the ASD's attention. Even Congressional staffers noticed the ASD(C3I)'s increasing concentration on the "C3" portion of his job (at the expense of the "I" portion).²⁸

Even though these trends pre-dated John Stenbit's arrival in 2001 as the ASD(C3I), he viewed the proposal for a USD(I) as an affront and diminution of his equities.²⁹ The proposal implied that the ASD was not adequately doing his job for Defense intelligence. And – to rub salt in the wound – removal of ASD(C3I)'s intelligence responsibilities would also surely mean loss of staff positions and oversight power over several billion dollars of joint and service intelligence programs. However, Rumsfeld had already decided that he wanted one *under* secretary (not an assistant secretary) to focus solely on intelligence, and there is little a subordinate can argue when "the boss" feels so strongly.

The Vice President. Importantly, even Rumsfeld enjoyed "top-cover" from none other than Vice President Richard Cheney – a fact that has received little public attention. Cheney's intelligence roots can be traced to late 1988, when – as a congressman from Wyoming – he inserted verbiage into the FY 1989 Defense Authorization Bill asking about the efficacy of establishing an Assistant Secretary of Defense for Intelligence. Congressman Cheney was "worried about fractionalized intelligence."³⁰ Soon thereafter, in March 1989, Cheney became SecDef and inherited his own question about an ASD(I). Although his staff at Defense advised him that the concept was "too hard" at the time, Cheney never forgot his concerns about fractionalized intelligence. After the Bush/Cheney victory in the 2000 election, it was Cheney who approved the five transformation objectives (which included improving intelligence) that Rumsfeld enumerated in his January 11, 2001 confirmation testimony (see above). Then, during

the spring of 2001, Vice President Cheney found the time to visit all five major U.S. intelligence agencies, communicating the clear message that the new administration was intensely and truly interested in intelligence.³¹ Importantly, Rumsfeld knew that he could count on Cheney – the consummate politician who had served as House Minority Whip – to keep the House in line as Rumsfeld worked the USD(I) through the Senate.³²

A Final Scare

The USD applecart hit one final speed-bump in the fall of 2002, when Congress could not agree on a Defense Authorization Bill. Thus, on September 24th, SecDef sent a letter to the chairmen of the Armed Services Committees, requesting legislation on 11 items of importance, including authorization for a USD(I). Meanwhile, Rumsfeld also appealed to Congressman Jerry Lewis (R-CA), the Chairman of the Defense Subcommittee of the House Appropriations Committee, who agreed to put the measure into the 2003 Defense Appropriations Bill. However, Speaker of the House Dennis Hastert killed that effort. The Speaker reportedly felt that the USD(I) was clearly a *policy* issue, and placing the USD(I) in the appropriations (vice the authorization) bill would marginalize the authorizers.³³ Hastert did, however, agree that the measure would be in the Defense Authorization Bill.

End Game – Now to Make it Work

As we now know, Congress returned from its 2002 election recess, and one of the few items addressed by the "lame-duck" Congress was passage of the FY 2003 Defense Authorization Act on November 12th. Amongst the many things provided for Defense – tucked neatly into section 910 of the act – Secretary Rumsfeld received one thing he had personally championed for over a year: authority for an Under Secretary of Defense for Intelligence.

Without Rumsfeld's personal energy behind the campaign, as well as the efforts of several senior staff members to "work the system," the USD(I) may very well have taken much longer to be approved. After all, many senior and mid-level staffers in both the Executive and Legislative branches had bureaucratic and jurisdictional issues with the USD(I) proposal, and they could have delayed the action. However, an aggressive and popular Secretary of Defense, working at the most senior level, marginalized most objections.

As exhausting and exasperating as getting approval for the USD(I) had been, the hard part – actually making it happen – may be yet to come.³⁴ At the very least, though, Mr. Rumsfeld will have his "one dog to kick."

Notes

¹ U.S. House of Representatives, National Defense Authorization Act for Fiscal Year 2003, Conference Report [107-772] to Accompany H.R. 4546, 12 November 2002.

² Cambone, one of Rumsfeld's most trusted assistants, was later elevated to Principal Deputy Under Secretary for Policy, and then to Director of Program Assessment and Evaluation.

³ During a three-year period between 1981-1984, the Assistant Secretary of Defense for C3I was re-titled as a Deputy Under Secretary of Defense for C3I.

⁴ U.S. Deputy Secretary of Defense memorandum, "Defense Reform Initiative (DRI) Directive #17," 5 January 1998.

⁵ Duane P. Andrews, "A Recommended Blueprint for the ASD(C3I) and CIO [Chief Information Officer] in Response to DRI Directive #17," 11 March 1998. The study team was led by Duane Andrews, himself a former ASD(C3I), who believed then (and still does now) that the "C3" and the "I" functions should be retained under a single official.

⁶ Ivo H. Daalder, "What it Means to Have a New Under Secretary of Defense for Intelligence," Homeland Security Monitor, December 2002, p. 5. Rumsfeld would inherit his own commission's recommendations when he arrived at the Pentagon in early 2001; however, in mid-2001, Rumsfeld communicated to Congress that he needed more time to get his arms around all of the commission's recommendations.

⁷ Rumsfeld, Donald H., "Statement Prepared for the Confirmation Hearing Before the U.S. Senate Committee on Armed Services," 11 January 2001.

⁸ Daalder, p. 5.

⁹ Richard Haver is a long-time senior intelligence professional, having also served as (then-) SecDef Cheney's Special Assistant for Intelligence during the first Bush administration.

¹⁰ Daalder, p. 5.

¹¹ Jeff Stein, "Rumsfeld Gets a Spy Czar and 'One Dog to Kick,'" CQ Homeland Security-Intelligence, 13 November 2002.

¹² Richard Haver, interviewed by L.W. Danforth, 8 January 2003.

¹³ Haver interview.

¹⁴ U.S. Secretary of Defense, letter to The Honorable Carl Levin, 26 November 2001.

¹⁵ Haver interview.

¹⁶ Senior OSD staff involved in the evolution, interviewed by L.W. Danforth, 20 December 2002.

¹⁷ The Scowcroft Panel (named for its chairman, LtGen (ret) Brent Scowcroft, who had served as President George H.W. Bush's National Security Advisor) was empanelled in response to National Security Presidential Directive #5 of 9 May 2001. NSPD-5 directed a comprehensive review of U.S. intelligence.

¹⁸ Daalder, p. 5.

¹⁹ The Defense Intelligence Agency, the National Security Agency, the National Imagery & Mapping Agency, and the National Reconnaissance Office.

²⁰ The precedence of all USDs is specified in law, should the USDs need to "ascend" to replace incapacitated seniors in the chain.

²¹ U.S. Congress, National Security Act of 1947, 26 July 1947, Section 102.

²² Haver interview.

²³ Haver interview.

²⁴ Ultimately, establishment of the USD(I) was accomplished via Title 10 (Defense organization), avoiding Title 50 (national security and intelligence organization), where the DCI had more equities.

²⁵ Haver interview.

²⁶ Haver interview.

²⁷ U.S. Department of Defense, Directive Number 5137.1, "Assistant Secretary of Defense for Command, Control, Communications and Intelligence (ASD(C3I))," 12 February 1992. Importantly, most of the specific functions assigned to the ASD(C3I) in the directive refer to "C3I" combined – not separately to "C3" and "I" functions.

²⁸ Chuck Alsop, Professional Staff Member of the SASC, interviewed by L.W. Danforth, mid-November 2002.

²⁹ Senior OSD staff involved in the evolution, interviewed by L.W. Danforth, 20 December 2002.

³⁰ Haver interview.

³¹ In fact, this was the first ever visit by a Vice President to DIA's main analysis center at Bolling AFB.

³² Haver interview.

³³ Haver interview.

³⁴ That task may fall to Steve Cambone, Rumsfeld's trusted lieutenant who – with Rich Haver – had overseen the USD(I) staff work and "inside game" strategy. Cambone is reportedly on Rumsfeld's short list to fill the USD(I) position.